

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

Fill in this information to identify your case:

Debtor 1 Wilma Lee McRath
Name: First Middle Last

Debtor 2 _____
(Spouse, if filing) Name: First Middle Last

Case number 21-40303-JJR
(if known)

Check if this is an amended plan ☒
Amends plan dated: 05/24/2021

Chapter 13 Plan

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules, administrative orders, and judicial rulings may not be confirmable.

In the following notice to creditors, you must check each box that applies. Your failure to check a box that applies renders that provision ineffective.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the confirmation hearing, unless otherwise ordered. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is made. See Bankruptcy Rule 3015. In addition, a proper proof of claim must be filed in order to be paid under this plan.

The following matters may be of particular importance to you. Debtor(s) must check each box that applies. Debtor(s)' failure to check a box that applies renders that provision ineffective.

- ☐ The plan seeks to limit the amount of a secured claim, as set out in Part 3, § 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- ☐ The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase money security interest, as set out in Part 3, § 3.4.
- ☐ The plan sets out nonstandard provision(s) in Part 9.

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

☒ \$ 1,305.00 per month for 60 months

Debtor(s) shall commence payments within thirty (30) days of the petition date.

2.2 Regular payments to the trustee will be made from future income in the following manner (check all that apply):

☐ Debtor(s) will make payments pursuant to a payroll deduction. Debtor(s) request a payroll deduction be issued to:

☒ Debtor(s) will make payments directly to the trustee.

☐ Other (specify method of payment) _____

2.3 Income tax refunds and return. Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee income tax refunds received during the plan term, if any.
- ☐ Debtor(s) will treat income tax refunds as follows:
- ☐ Debtor(s) believe they are not required to file income tax returns and do not expect to receive tax refunds during the plan term.

2.4 Additional Payment. Check all that apply.

- ☐ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.
- ☒ Debtor(s) will make additional payment(s) to the trustee from proceeds of claim(s), cause(s) of action, lawsuit(s), settlement(s), or judgment award(s), as specified below:
In the event Debtor is successful in prosecuting her claim against Kenneth Dupree for work not performed, Debtor offers all non-exempt proceeds to the Trustee.
- ☐ Debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Describe the source, estimated amount, and date of each anticipated payment:

2.5 Adequate Protection Payments.

Any adequate protection payments shall be made as part of this plan; see Part 3 or Part 9 for details. The secured creditor must file a proof of claim in order to receive payment. Unless otherwise ordered, adequate protection payments through the trustee shall be made as funds are available after the proof of claim is properly filed.

Part 3: Treatment of Secured Claims
3.1 Maintenance of payments and cure of defaults, if any, on long-term secured debts. Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ Debtor(s) or trustee will maintain the current contractual installment payments on the secured claims listed below. These payments will be disbursed either by the trustee or paid directly by Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee. Unless otherwise ordered, the amounts listed on a proof of claim, amended proof of claim, or notice of payment change control over any contrary amounts listed below as to the estimated amount of the creditor's total claim, current installment payment, and arrearage.

+ -	Name of Creditor	Collateral	Estimated Amount of Creditor's Total Claim	Current Installment Payment (including escrow)	Amount of Arrearage (if any)	Months Included in Arrearage	Monthly Fixed Payment on Arrearage	Monthly Fixed Payment on Arrearage to Begin
	Chalmers 2015 PL Fund 1, LLC	1120 Mountain Brook Drive, Gadsden, AL 35901	\$54,119.56	\$459.98 Disbursed by: Trustee To begin: 04/2021	\$28,541.69	46	\$475.69	confirmation

3.2 Request for valuation of security, claim modification, and hearing on valuation. Check one.

- ☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 Secured claims excluded from 11 U.S.C. § 506 and fully secured claims. Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 Section 522(f) judicial lien and nonpossessory, nonpurchase money ("Non-PPM") security interest avoidance. Check all that apply.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 Surrender of collateral. Check one.

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the surrender of the collateral will be treated in Part 5 below.

	Name of Creditor	Collateral
<input checked="" type="checkbox"/>	Community Loan Servicing, LLC	738 Sunnyvale Drive, Gadsden, AL 35901
<input checked="" type="checkbox"/>	Santander Consumer USA, Inc.	2015 Chevrolet Malibu

Part 4: Treatment of Fees and Priority Claims

4.1 General.

Trustee's fees will be paid in full. Except as set forth in § 4.5, allowed priority claims also will be paid in full, without interest.

4.2 Chapter 13 case filing fee. Check one.

- ☒ Debtor(s) intend to pay the Chapter 13 case filing fee through the plan.
- ☐ Debtor(s) intend to pay the Chapter 13 case filing fee directly to the Clerk of Court.

4.3 Attorney's fees.

The total fee requested by Debtor(s)' attorney is \$ 3,500.00 . The amount of the attorney fee paid prepetition is \$ 0.00 .

The balance of the fee owed to Debtor(s)' attorney is \$ 3,500.00 , payable as follows (check one):

- ☐ \$ _____ at confirmation and \$ _____ per month thereafter until paid in full, or
- ☒ in accordance with any applicable administrative order regarding fees entered in the division where the case is pending.

4.4 Priority claims other than attorney's fees and domestic support obligations. Check one.

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The other priority claims are listed below. Unless otherwise ordered, the amount of the creditor's priority claim listed on the proof of claim or amended proof of claim controls over any contrary amount listed below.

	Name of Creditor	Estimated Amount of Claim to be Paid	Monthly Fixed Payment, if any, to Creditor	Monthly Fixed Payment, if any, to Begin
<input checked="" type="checkbox"/>	Alabama Dept of Revenue	\$ 712.41	\$ 11.87	confirmation

4.5 Domestic support obligations. Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

Part 5: Treatment of Nonpriority Unsecured Claims**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata.

5.2 Percentage, Base, or Pot Plan. Check one.

- ☒ 100% Repayment Plan. This plan proposes to pay 100% of each allowed nonpriority unsecured claim.
- ☐ Percentage Plan. This plan proposes to pay _____ % of each allowed nonpriority unsecured claim.
- ☐ Pot Plan. This plan proposes to pay \$ _____, distributed pro rata to holders of allowed nonpriority unsecured claims.
- ☐ Base Plan. This plan proposes to pay \$ _____ to the trustee (plus any tax refunds, lawsuit proceeds, or additional payments pursuant to §§ 2.3 and 2.4). Holders of allowed nonpriority unsecured claims will receive the funds remaining, if any, after disbursements have been made to all other creditors provided for in this plan.

5.3 Interest on allowed nonpriority unsecured claims not separately classified. Check one.

- ☒ None. If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

5.4 Maintenance of payments and cure of any default on long-term nonpriority unsecured claims. Check one.

- ☒ None. If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

5.5 Other separately classified nonpriority unsecured claims. Check one.

- ☒ None. If "None" is checked, the rest of § 5.5 need not be completed or reproduced.

Part 6: Executory Contracts and Unexpired Leases**6.1 The executory contracts and unexpired leases listed below are assumed, will be treated as specified, and any defaults cured. Check one.**

- ☒ None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

6.2 The executory contracts and unexpired leases listed below are rejected. Check one.

- ☐ None. If "None" is checked, the rest of § 6.2 need not be completed or reproduced.
- ☒ Rejected items.

	Name of Creditor	Description of Leased Property or Executory Contract
<div><div><div>+</div><div>-</div></div></div>	Rent-a-Center	lease of stereo

Part 7: Sequence of Payments**7.1 Unless otherwise ordered, the trustee will make the monthly payments required in Parts 3 through 6 in the sequence of payments set forth in the administrative order for the division in which this case is pending.****Part 8: Vesting of Property of Estate**

8.1 Property of the estate will vest in Debtor(s) (check one):

- ☒ Upon plan confirmation.
☐ Upon entry of Discharge.

Part 9: Nonstandard Plan Provisions

- ☒ None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Part 10: Signatures

Signature(s) of Debtor(s) (required):

x Wilma Lee McRath

Date 6-11-2021

x

Date

Signature of Attorney for Debtor(s):

x Tamera S Driskill

Date 6-11-2021

Name/Address/Telephone/Attorney for Debtor(s):

Tamera S. Driskill
Williams Driskill Huffstutler & King
2100 Club Drive, Ste 150
Gadsden, AL 35901
(256) 442.0201

By filing this document, Debtor(s), if not represented by an attorney, or the Attorney for Debtor(s) certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in this district's Local Form, other than any nonstandard provisions included in Part 9.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

In re:

Wilma Lee McRath
*****-**-1911**
Debtor

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Case no. 21-40303-JJR
Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the AMENDED PLAN on the Debtor and all creditors and parties in interest listed on the matrix attached hereto by placing the same in the U.S. mail, postage prepaid and properly addressed, and on Hon. Linda B. Gore, Standing Chapter 13 Trustee, by electronic mail via the court's CM/ECF system at noticetrustee@ch13gadsden.com.

This 11th day of June, 2021.

/s/ Tameria S. Driskill
Attorney for Debtor
Williams, Driskill, Huffstutler & King
2100 Club Drive, Ste 150
Gadsden, AL 35901
(256) 442-0201

Label Matrix for local noticing
1126-1
Case 21-40303-JJR13
NORTHERN DISTRICT OF ALABAMA
Anniston
Fri Jun 11 10:43:05 CDT 2021

AT&T
c/o IC Sysyees Inc
PO Box 64378
Saint Paul, MN 55164-0378

(p)STATE OF ALABAMA DEPARTMENT OF REVENUE
P O BOX 320001
MONTGOMERY AL 36132-0001

Cash Express
503 W Meighan Blvd
Gadsden, AL 35901-3301

Check Mate
100 E Meighan Blvd
Gadsden, AL 35903-1045

Credit Central
517 Broad St
Gadsden, AL 35901-3719

LVNV Funding, LLC
Resurgent Capital
PO Box 10587
Greenville, SC 29603-0587

Pendrick Capital Partners LLC
PO Box 141419
Irving, TX 75014-1419

Reflex Master Card
Celtic Bank
268 S State Street, Ste 300
Salt Lake City, UT 84111-5314

SANTANDER CONSUMER USA Inc.
P.O. Box 961245
Fort Worth, TX 76161-0244

U. S. Bankruptcy Court
1129 Noble Street, Room 117
Anniston, AL 36201-4674

Aaron's
403 Geo Wallace Dr
Gadsden, AL 35903-2282

Alabama Emergency Phys Partner
c/ Phoenix Financial Services LLC
PO Box 361450
Indianapolis, IN 46236-1450

Chalmers 2015 PL Fund 1, LLC
c/o Montvale LLC
8 The Green
Dover, DE 19901-3618

Check N Go
977 Gilbert Ferry Road SE
Attalla, AL 35954-3325

Exchange Bank
923 Atalla Blvd
Attalla, AL 35954-2912

LVNV Funding, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Premier Bankcard, Llc
Jefferson Capital Systems LLC Assignee
Po Box 7999
Saint Cloud Mn 56302-7999

Rent-a-Center
108 W Meighan Blvd
Gadsden, AL 35901-3208

Santander Consumer USA
Attn: Bankruptcy
PO Box 560284
Dallas, TX 75356-0284

1st Franklin Financial Corporation
Attn: Administrative Services
P.O. Box 880
Toccoa, GA 30577-0880

Advance Check Express
310 W Meighan Blvd Ste C
Gadsden, AL 35901-3224

Alabama Title Loans
2301 Meighan Blvd
Gadsden, AL 35904-1707

Check Into Cash
460 Geo Wallace Drive
Gadsden, AL 35903-2280

Community Loan Servicing LLC
4425 Ponce De Leon Blvd, 5th Floor
Miami, FL 33146-1873

Gadsden Regional Medical Center
PO Box 188
Brentwood, TN 37024-0188

Pegasus ER Group
c/o AmeriFinancial Solutions LLC
PO Box 65018
Baltimore, MD 21264-5018

Quantum3 Group LLC as agent for
Sadino Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Rural Metro of Central Alabama
c/o Capio
2222 Texoma Pkwy Ste 150
Sherman, TX 75090-2481

Title Bucks
839 W Meighan Blvd
Gadsden, AL 35901-3300

US Bank Trust NA
SN Servicing Corporation
323 5th Street
Eureka, CA 95501-0305

Verizon
by American InfoSource as agent
PO Box 4457
Houston, TX 77210-4457

Linda Baker Gore
NON-PAYMENTS: P.O. Box 1338
Gadsden, AL 35902

Tamera S. Driskill
Williams Driskill Huffstutler King, LLC
2100 Club Drive
Ste 150
Gadsden, AL 35901-5572

Wilma Lee McRath
1120 Mountain Brook Drive
Gadsden, AL 35901-2362

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Alabama Department of Revenue
Legal Division
P.O. Box 320001
Montgomery, Alabama 36132-0001

(d)Alabama Dept of Revenue
Attn Bankruptcy
PO Box 320001
Montgomery, AL 36132-0001

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) SANTANDER CONSUMER USA INC.

End of Label Matrix	
Mailable recipients	34
Bypassed recipients	1
Total	35